UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

QXMédical, LLC, Plaintiff, v. Vascular Solutions, Inc., Defendant.	No. ________________ **COMPLAINT** **JURY TRIAL DEMANDED**

COMPLAINT

Plaintiff QXMédical, LLC (“QXMédical”), for its Complaint against Vascular Solutions, Inc. (“VSI”), alleges as follows:

THE PARTIES

1. QXMédical is a Delaware limited liability company with its principal place of business located at 2820 Patton Road, Roseville, Minnesota 55113.

2. VSI is a Minnesota corporation with its principal place of business at 6464 Sycamore Court, Minneapolis, Minnesota 55369.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this lawsuit under 28 U.S.C. §§ 1331, 1338, 2201 and 2202 because QXMédical seeks a declaratory judgment of non-infringement on six patents.

4. This Court has personal jurisdiction over VSI because VSI is a Minnesota resident, VSI has continuous and systematic contacts with the State of Minnesota, and QXMédical's claims arise out of VSI's contacts with the State of Minnesota.

5. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and (c).

BACKGROUND

6. QXMédical manufactures and sells a product called the Boosting Catheter. Physicians trained in vascular surgery, interventional radiology or cardiology can use the Boosting Catheter in combination with a guide catheter to help deliver an interventional device (e.g., a stent) to the coronary and peripheral vasculature of a patient.

7. On April 12, 2017, VSI's attorney sent a letter to QXMédical, asserting "it appears likely that the Boosting Catheter is infringing on one or more of the claims of" the following six patents held by VSI: U.S. Patent No. 8,048,032; U.S. Patent No. 8,142,413; U.S. Patent No. RE45,380; U.S. Patent No. RE45,760; U.S. Patent No. RE45,776; and U.S. Patent No. RE46,116 (collectively, the "VSI Patents"). VSI's attorney requested a sample of the Boosting Catheter "in order to analyze the infringement issue further."

8. On May 30, 2017, after QXMédical sent VSI a sample of the Boosting Catheter, VSI's attorney sent a letter to QXMédical's attorney, asserting that the Boosting Catheter infringes on the following four reissue patents held by VSI: U.S. Patent No. RE45,380; U.S. Patent No. RE45,760; U.S. Patent No. RE45,776; and U.S. Patent No. RE46,116. In his May 20, 2017 letter, VSI's attorney did not state, one way or the other,

whether VSI believes the Boosting Catheter infringes on U.S. Patent Nos. 8,048,032 and 8,142,413.

9. The Boosting Catheter does not infringe any of the VSI Patents.

COUNT I
DECLARATORY JUDGMENT OF NON-INFRINGEMENT ON U.S. PATENT NO. RE45,380

10. QXMédical repeats the allegations in the preceding paragraphs as if fully restated herein.

11. An actual, real, immediate, substantial and justiciable case or controversy exists between QXMédical and VSI as to whether the Boosting Catheter infringes on U.S. Patent No. RE45,380.

12. QXMédical is entitled to a judicial declaration that the Boosting Catheter does not infringe on U.S. Patent No. RE45,380.

COUNT II
DECLARATORY JUDGMENT OF NON-INFRINGEMENT ON U.S. PATENT NO. RE45,760

13. QXMédical repeats the allegations in the preceding paragraphs as if fully restated herein.

14. An actual, real, immediate, substantial and justiciable case or controversy exists between QXMédical and VSI as to whether the Boosting Catheter infringes on U.S. Patent No. RE45,760.

15. QXMédical is entitled to a judicial declaration that the Boosting Catheter does not infringe on U.S. Patent No. RE45,760.

COUNT III
DECLARATORY JUDGMENT OF NON-INFRINGEMENT ON U.S. PATENT NO. RE45,776

16. QXMédical repeats the allegations in the preceding paragraphs as if fully restated herein.

17. An actual, real, immediate, substantial and justiciable case or controversy exists between QXMédical and VSI as to whether the Boosting Catheter infringes on U.S. Patent No. RE45,776.

18. QXMédical is entitled to a judicial declaration that the Boosting Catheter does not infringe on U.S. Patent No. RE45,776.

COUNT IV
DECLARATORY JUDGMENT OF NON-INFRINGEMENT ON U.S. PATENT NO. RE46,116

19. QXMédical repeats the allegations in the preceding paragraphs as if fully restated herein.

20. An actual, real, immediate, substantial and justiciable case or controversy exists between QXMédical and VSI as to whether the Boosting Catheter infringes on U.S. Patent No. RE46,116.

21. QXMédical is entitled to a judicial declaration that the Boosting Catheter does not infringe on U.S. Patent No. RE46,116.

COUNT V
DECLARATORY JUDGMENT OF NON-INFRINGEMENT ON U.S. PATENT NO. 8,048,032

22. QXMédical repeats the allegations in the preceding paragraphs as if fully restated herein.

23. An actual, real, immediate, substantial and justiciable case or controversy exists between QXMédical and VSI as to whether the Boosting Catheter infringes on U.S. Patent No. 8,048,032.

24. QXMédical is entitled to a judicial declaration that the Boosting Catheter does not infringe on U.S. Patent No. 8,048,032.

COUNT VI
DECLARATORY JUDGMENT OF NON-INFRINGEMENT ON U.S. PATENT NO. 8,142,413

25. QXMédical repeats the allegations in the preceding paragraphs as if fully restated herein.

26. An actual, real, immediate, substantial and justiciable case or controversy exists between QXMédical and VSI as to whether the Boosting Catheter infringes on U.S. Patent No. 8,142,413.

27. QXMédical is entitled to a judicial declaration that the Boosting Catheter does not infringe on U.S. Patent No. 8,142,413.

PRAYER FOR RELIEF

WHEREFORE, QXMédical prays for the following relief:

A. A judgment declaring that QXMédical's Boosting Catheter does not infringe on any of the VSI Patents; and

B. Such other and further relief as this Court deems just and proper.

JURY TRIAL DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and the Seventh Amendment to the Constitution of the United States, QXMédical hereby demands a trial by jury of all issues triable in the above action.

Dated: June 8, 2017

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